



Appendix D
IMPLEMENTATION
MATERIALS

Appendix D

IMPLEMENTATION MATERIALS

The materials in this appendix are for use in implementing the Noise Compatibility Program for Lincoln Airport and include the following:

- Federal Aviation Administration Advisory Circular 91-53A Noise Abatement Departure Profiles;
- National Business Aviation Association (NBAA) Noise Abatement Procedures;
- “Noise Awareness Steps” published by the Aircraft Owners and Pilots Association (AOPA);
- Seller Advisory Memo;
- Nebraska Real Estate Commission Seller Property Condition Disclosure Statement;
- Example Residential Seller’s Property Disclosure Statement;
- Model Subdivision Regulation Amendment; and
- Sample zoning ordinances from jurisdictions that regulate land use within noise contours less than 65 DNL.



U.S. Department
of Transportation
Federal Aviation
Administration

Advisory Circular

Subject: **NOISE ABATEMENT DEPARTURE
PROFILES**

Date: 7/22/93
Initiated by: AFS-400

AC No: 91-53A

1. **PURPOSE.** This advisory circular (AC) describes acceptable criteria for safe noise abatement departure profiles (NADP) for subsonic turbojet-powered airplanes with a maximum certificated gross takeoff weight of more than 75,000 pounds. These procedures provide the user with one means, although not the only means, of establishing acceptable NADP's. These departure profiles are consistent with the airworthiness standards required by the Federal Aviation Regulations (FAR's) Part 25 for type certification and FAR Part 91 for general airplane operations. This AC also provides a technical analysis and description of typical departure profiles that are consistent with the Federal Aviation Administration's (FAA's) safety responsibilities and have the potential to minimize the airplane noise impact on communities surrounding airports.
 2. **CANCELLATION.** AC 91-53, Noise Abatement Departure Profile, dated October 17, 1978, is canceled.
 3. **RELATED READING MATERIAL.**
 - a. FAR Parts 25, 91, 121, 125, 129, and 135.
 - b. U.S. Department of Transportation, Federal Aviation Administration Environmental Assessment for AC 91-53A. Copies may be obtained from the Office of Environment and Energy, FAA, 800 Independence Avenue SW., Washington, DC 20591.
 - c. FAA Analysis of Noise Abatement Departure Procedures for Large Turbojet Airplanes. Copies may be obtained from the Office of Environment and Energy, FAA, 800 Independence Avenue SW., Washington, DC 20591.
 - d. County of Orange, California, Environmental Impact Report #546. Copies may be obtained from County of Orange, Environmental Management Agency, 12 Civic Center Plaza, P.O. Box 4048, Santa Ana, CA 92701-4048.
 4. **BACKGROUND.**
 - a. For several years, the FAA has worked to develop and standardize profiles to minimize airplane noise. As part of that commitment, the FAA has worked with airport managers, airplane operators, pilots, special interest groups, and Federal, State, and local agencies in numerous programs for evaluating noise levels in the airport environment. The research considered a variety of departure flight tracks and profiles.
 - b. From an environmental standpoint, avoiding noise sensitive areas by using preferential noise abatement runways and flight tracks whenever possible can effectively supplement a comprehensive noise abatement program. The FAA believes that using the two NADP's described in this AC for subsonic turbojet-powered airplanes can provide environmental benefits to the airport communities. The profiles outline acceptable criteria for speed, thrust settings, and airplane configurations used in connection with NADP's. These NADP's can be combined with preferential runway selection and flightpath techniques to minimize noise impact.
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c. FAA reviews of various airplane vertical NADP's indicate that some intricate NADP's have been developed on an airport specific basis. The management of these intricate profiles could compromise the pilot's attention to interior flight deck details, traffic avoidance, and other safety responsibilities.

5. DEFINITIONS.

a. *NADP.* Noise abatement departure profile.

b. *Close-in Community NADP's.* NADP's for individual airplane types intended to provide noise reduction for noise sensitive areas located in close proximity to the departure end of an airport runway.

c. *Distant Community NADP's.* NADP's for individual airplane types intended to provide noise reduction for all other noise sensitive areas.

d. *AFE.* Above field elevation.

6. NADP's. Acceptable criteria have been established for two types of NADP's for each airplane type, as defined for use by each airplane operator. These departure profiles are applicable to all types of subsonic turbojet-powered airplanes over 75,000 pounds gross takeoff weight. The two types of NADP's are the "close-in" and "distant" profiles as described below.

a. *Close-in NADP.*

(1) Initiate thrust cutback at an altitude of no less than 800 feet AFE and prior to initiation of flaps or slats retraction.

(2) The thrust cutback may be made by manual throttle reduction or by approved automatic means. The automatic means may be armed prior to takeoff for cutback at or above 800 feet AFE or may be pilot initiated at or above 800 feet AFE.

(3) For airplanes without an operational automatic thrust restoration system, achieve and maintain no less than the thrust level necessary after thrust reduction to maintain, for the flaps/slats configuration of the airplane, the takeoff path engine-inoperative climb gradients specified in FAR Section 25.111(c)(3) in the event of an engine failure.

(4) For airplanes with an operational automatic thrust restoration system, achieve and maintain no less than the thrust level necessary after thrust reduction to maintain, for the flaps/slats configuration of the airplane, a takeoff path engine-inoperative climb gradient of zero percent, provided that the automatic thrust restoration system will, at a minimum, restore sufficient thrust to maintain the takeoff path engine-inoperative climb gradients specified in FAR Section 25.111(c)(3) in the event of an engine failure.

(5) During the thrust reduction, coordinate the pitchover rate and thrust reduction to provide a decrease in pitch consistent with allowing indicated airspeed to decay to no more than 5 knots below the all-engine target climb speed and, in no case to less than V_2 for the airplane configuration. For automated throttle systems, acceptable speed tolerances can be found in AC 25-15, Approval of Flight Management Systems in Transport Category Airplanes.

(6) Maintain the speed and thrust criteria as described in subparagraph 6 a(3) through 6 a(5) to 3,000 feet AFE or above, or until the airplane has been fully transitioned to the en route climb configuration (whichever occurs first), then transition to normal en route climb procedures.

b. *Distant NADP.*

(1) Initiate flaps/slats retraction prior to thrust cutback initiation. Thrust cutback is initiated at an altitude no less than 800 feet AFE.

(2) The thrust cutback may be made by manual throttle reduction or by approved automatic means. The automatic means may be armed prior to takeoff for cutback at or above 800 feet AFE or may be pilot initiated at or above 800 feet AFE.

(3) For airplanes without an operational automatic thrust restoration system, achieve and maintain no less than the thrust level necessary after thrust reduction to maintain, for the flaps/slats configuration of the airplane, the takeoff path engine-inoperative climb gradients specified in FAR Section 25.111(c)(3) in the event of an engine failure.

(4) For airplanes with an operational automatic thrust restoration system, achieve and maintain no less than the thrust level necessary after thrust reduction to maintain, for the flaps/slats configuration of the airplane, a takeoff path engine-inoperative climb gradient of zero percent, provided that the automatic thrust restoration system will, at a minimum, restore sufficient thrust to maintain the takeoff path engine-inoperative climb gradients specified in FAR Section 25.111(c)(3) in the event of an engine failure.

(5) During the thrust reduction, coordinate the pitchover rate and thrust reduction to provide a decrease in pitch consistent with allowing indicated airspeed to decay to no more than 5 knots below the all-engine target climb speed and, in no case to less than V_2 for the airplane configuration. For automated throttle systems, acceptable speed tolerances can be found in AC 25-15, Approval of Flight Management Systems in Transport Category Airplanes.

(6) Maintain the speed and thrust criteria as described in subparagraph 6b(3) through 6b(5) to 3,000 feet AFE or above, or until the airplane has been fully transitioned to the en route climb configuration (whichever occurs first), then transition to normal en route climb procedures.

7. OPERATIONAL GUIDELINES.

a. Each airplane operator may apply the procedures specified in this AC to determine the following for each of its airplane types:

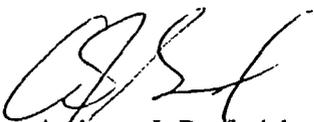
- (1) Close-in community NADP.
- (2) Distant community NADP.

b. For each NADP, the airplane operator should specify the altitude AFE at which thrust reduction from takeoff thrust or airplane configuration change, excluding gear retraction, is initiated.

c. Each airplane operator should limit the number of NADP's for any airplane type to no more than two.

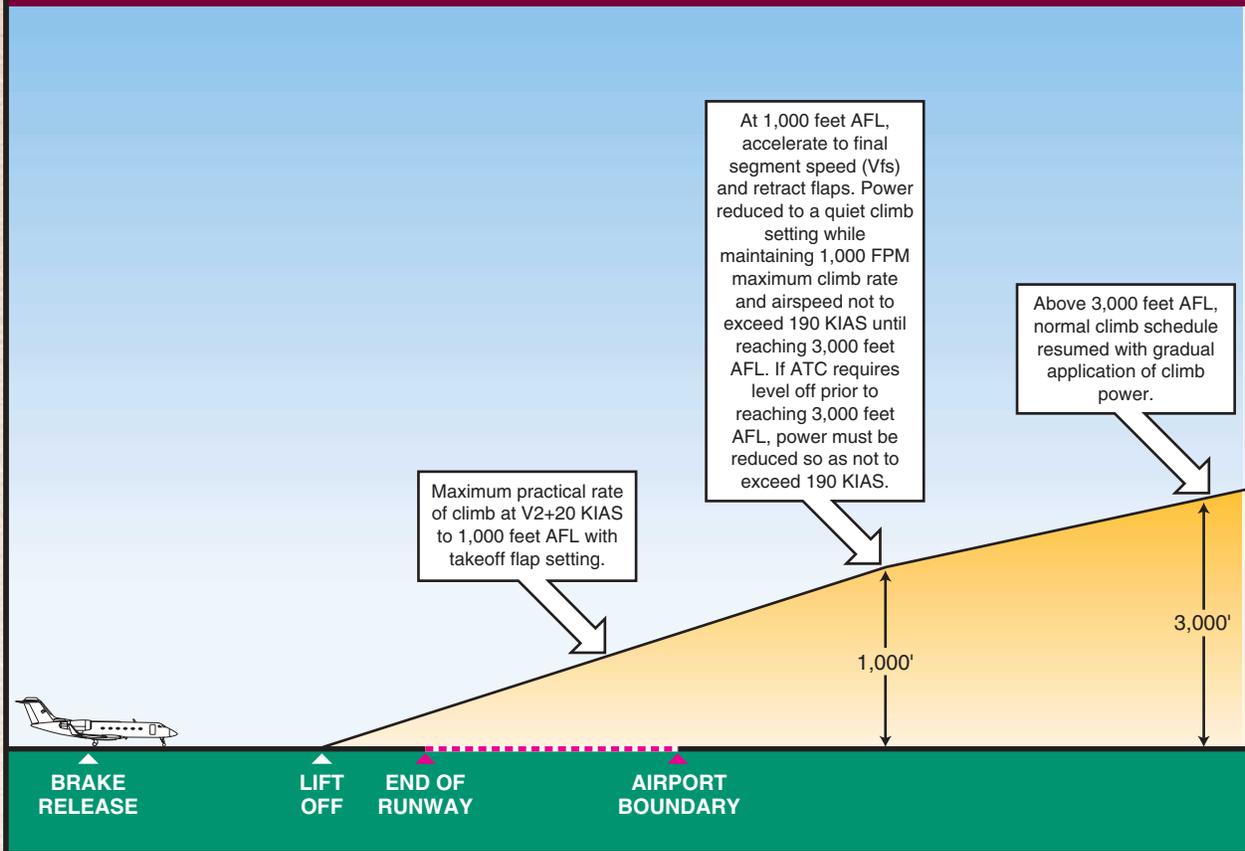
d. Each airplane operator is encouraged to use the appropriate NADP when an airport operator requests its use to abate noise for either a close-in or distant community.

e. This AC should not be construed to affect the responsibilities and authority of the pilot in command for the safe operation of the airplane.



Anthony J. Broderick
Associate Administrator for Regulation and Certification

NATIONAL BUSINESS AVIATION ASSOCIATION (NBAA) STANDARD NOISE ABATEMENT DEPARTURE PROCEDURE



KEY

AFL - Above field elevation
 ATC - Air traffic control
 FPM - Feet per minute
 KIAS - Knots, indicated airspeed

Note: It is recognized that aircraft performance will differ with aircraft type and takeoff conditions; therefore, the business aircraft operator must have the latitude to determine whether takeoff thrust should be reduced prior to, during, or after flap retraction.

Source: National Business Aviation Association (NBAA),
 "NBAA Noise Abatement Program," January 1, 1993.

For copies of the NBAA's noise abatement program,
 suitable for insertion into pilot flight manuals, contact:

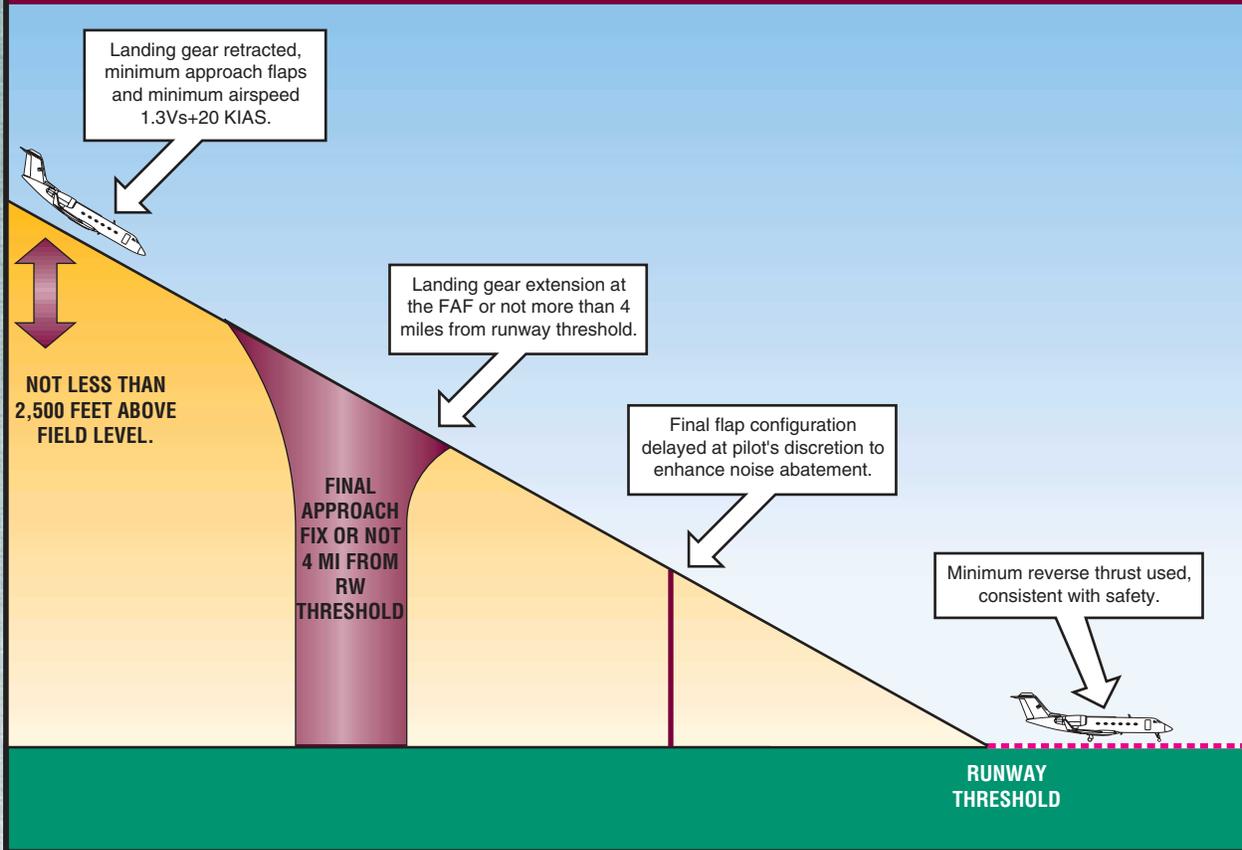
NBAA, Inc.
 1200 Eighteenth St., NW
 Washington, D.C. 20036
 Phone: 202-783-9000
 FAX: 202-331-8364

 **Lincoln Airport**

Exhibit D1

NATIONAL BUSINESS AVIATION
 ASSOCIATION (NBAA) STANDARD NOISE
 ABATEMENT DEPARTURE PROCEDURE

NATIONAL BUSINESS AVIATION ASSOCIATION (NBAA) APPROACH AND LANDING PROCEDURE VFR & IFR



- 1) Inbound flight path should not require more than a 20 degree bank angle to follow noise abatement track.
- 2) Observe all airspeed limitations and ATC instructions.
- 3) Initial inbound altitude for noise abatement areas will be a descending path from 2,500 feet AGL or higher. Maintain minimum airspeed ($1.3V_s + 20$ KIAS) with gear retracted and minimum approach flap setting.
- 4) At the final approach fix (FAF) or not more than 4 miles from runway threshold, extend landing gear. Final landing flap configuration should be delayed at pilot's discretion to enhance noise abatement.
- 5) During landing, use minimum reverse thrust consistent with safety for runway conditions and available length.

Source: National Business Aviation Association (NBAA),
"NBAA Noise Abatement Program," January 1, 1993.

For copies of the NBAA's noise abatement program,
suitable for insertion into pilot flight manuals, contact:

NBAA, Inc.
1200 Eighteenth St., NW
Washington, D.C. 20036
Phone: 202-783-9000
FAX: 202-331-8364

 **Lincoln Airport**

Exhibit D2
NATIONAL BUSINESS AVIATION
ASSOCIATION (NBAA) APPROACH AND
LANDING PROCEDURE VFR & IFR

**AIRCRAFT OWNERS AND PILOTS ASSOCIATION
(AOPA)
NOISE AWARENESS STEPS**

Following are some general guidelines and techniques to minimize the noise impact produced by aircraft operating near the ground:

1. If practical, avoid noise-sensitive areas such as residential areas; open-air assemblies (e.g., sporting events and concerts), and national park areas. Make every effort to fly at or above 2,000 feet over the surface of such areas when overflight cannot be avoided.
2. Consider using a reduced power setting if flight must be low because of cloud cover or overlying controlled airspace or when approaching the airport of destination. Propellers generate more noise than engines; flying with the lowest practical rpm setting will reduce the aircraft's noise level substantially.
3. Perform stalls, spins, and other practice maneuvers over uninhabited terrain.
4. Many airports have established specific noise abatement procedures. Familiarize yourself and comply with these procedures.
5. Work with airport managers and fixed-base operators to develop procedures to reduce the impact on noise-sensitive areas.
6. To contain aircraft noise within airport boundaries, avoid performing engine runups at the ends of runways near housing developments. Instead, select a location for engine runup closer to the center of the field.
7. On takeoff, gain altitude as quickly as possible without compromising safety. Being takeoffs at the start of a runway, not at an intersection.
8. Retract the landing gear either as soon as a landing straight ahead on the runway can no longer be accomplished or as soon as the aircraft achieves a positive rate of climb. If practical, maintain best-angle-of-climb airspeed until reaching 50 feet or an altitude that provides clearance from terrain or obstacles. Then accelerate to best-rate-of-climb airspeed. If consistent with safety, make the first power reduction at 500 feet.
9. Fly a tight landing pattern to keep noise as close to the airport as possible. Practice descent to the runway at low power settings and with as few power changes as possible.
10. If a VASI or other visual approach guidance system is available, use it. These devices will indicate a safe glidepath and allow a smooth, quiet descent to the runway.

11. If possible, do not adjust the propeller control for flat pitch on the downwind leg; instead, wait until short final. This practice not only provides a quieter approach, but also reduces stress on the engine and propeller governor.
12. Avoid low-level, high-power approaches, which not only create high noise impacts, but also limit options in the event of engine failure.

Note: These recommendations are general in nature; some may not be advisable for every aircraft in every situation. No noise reduction procedure should be allowed to compromise flight safety.

Source: *AOPA's Aviation USA - 1994*



Seller Advisory

When in doubt – disclose!



Sellers are obligated by law to disclose all known material (important) facts about the property to the buyer. Arizona law requires that you disclose material facts about the property whether or not you are asked by the buyer or a real estate agent, or when asked to complete a disclosure form. There are also some very specific seller disclosures that you are required by statute to make. For example, sellers are required to disclose information on lead based paint in homes built prior to 1978, and if the property is in the vicinity of a military or public airport. You may also be required to complete and record an affidavit of disclosure if you are selling property in an unincorporated area of a county.

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If the buyer asks you about an aspect of the property, you have a duty to disclose the information, regardless of whether or not you consider the information material. You also have a legal duty to disclose facts when disclosure is necessary to prevent a previous statement from being misleading or misrepresented: for example, if something changes. However, a seller does not generally have a legal obligation to correct defects in the property, as long as the defects are disclosed. Any correction of the defects is a matter of contract negotiation between you and the buyer.

If you do not make the legally required disclosures, you may be subject to civil liability. Under certain circumstances, nondisclosure of a fact is the same as saying that the fact does not exist. Therefore, nondisclosure may be given the same legal effect as fraud.

The Arizona Association of REALTORS® Seller's Property Disclosure Statement ("SPDS") is designed to assist you in making these legally required disclosures and to avoid inadvertent nondisclosures of material facts.

You should complete the SPDS by answering all questions as truthfully and as thoroughly as possible. Attach copies of any available invoices, warranties, inspection reports, and leases, to insure that you are disclosing accurate information. Also, use the blank lines to explain your answers. If you do not have the personal knowledge to answer a question, it is important not to guess — use the blank lines to explain the situation.

The SPDS is divided into six general sections:

- 1) Ownership and Property:** This section asks for general information about the property, such as location, ownership and occupancy. Any seller, whether or not that seller has actually lived in the property, should be able to answer most, if not all, of the questions in this section.
- 2) Building and Safety Information:** This section asks for information regarding the physical aspects of the property. You should disclose any past or present problems with the property and any work or improvements made to the property. You are also asked specifically to disclose any knowledge of past or current presence of termites or other wood destroying

organisms on the property, and whether scorpions or other possible "pests" have ever been present on the property. Although many sellers will answer affirmatively to these questions, they were necessitated by lawsuits involving the alleged non-disclosure of these natural inhabitants.

- 3) Utilities:** You are asked whether the property currently receives the listed utilities, and if so, to identify the provider. The water source and any known information about drinking water problems should also be disclosed.

- * 4) Environmental Information:** A variety of environmental information is requested. In addition to questions regarding environmental hazards, you are asked to disclose any issues relating to soil settlement/expansion, drainage/grade, or erosion; noise from the surrounding area including airport and traffic noise; and any odors or other nuisances. As a result of recent lawsuits and potential health concerns, you are asked specifically if you are aware of any past or present mold growth on the property. Mold spores are everywhere and when mold spores drop in places where there is water damage or excessive moisture, or where there has been flooding, mold will grow. Thus, you are asked to disclose any conditions conducive to mold growth, such as past or present dampness/moisture, flooding, and water damage or water leaks of any kind.

- 5) Sewer/Wastewater Treatment:** There are many questions dealing with the topic of sewer or wastewater treatment as a result of claims involving alleged misrepresentations that the property was connected to a sewer, when in fact it was not. You are asked if the entire property is connected to a sewer and if so, whether the sewer connection has been professionally verified. If the property is served by an on-site wastewater treatment facility, i.e., a septic or alternative wastewater system, a variety of additional information is required.

- 6) Other Conditions and Factors – Additional Explanations:** These blank lines provide space for you to disclose any other important information concerning the property that might affect the buyer's decision-making process, the value of the property, or its use, and to make any other necessary explanations.

Please note: By law, sellers are not obligated to disclose that the property is or has been: (1) the site of a natural death, suicide, homicide, or any other crime classified as a felony; (2) owned or occupied by a person exposed to HIV, or diagnosed as having AIDS or any other disease not known to be transmitted through common occupancy of real estate; or (3) located in the vicinity of a sex offender. However, the law does not protect a seller who makes an intentional misrepresentation. For example, if you are asked whether there has been a death on the property and you know that there was such a death, you should not answer "no" or "I don't know"; instead you should either answer truthfully or respond that you are not legally required to answer the question.

**NEBRASKA REAL ESTATE COMMISSION
SELLER PROPERTY CONDITION DISCLOSURE STATEMENT
Residential Real Property**

THIS DISCLOSURE STATEMENT IS BEING COMPLETED AND DELIVERED IN ACCORDANCE WITH NEBRASKA LAW. NEBRASKA LAW REQUIRES THE SELLER TO COMPLETE THIS STATEMENT (NEB. REV. STAT. § 78-2,120).

Seller _____ is _____ is not occupying the real property.

How long has Seller owned the real property? _____ year(s)

This Disclosure Statement concerns the real property located at _____

in the City of _____ County of _____, State of Nebraska and legally described as _____

THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE REAL PROPERTY KNOWN BY THE SELLER ON THE DATE ON WHICH THIS STATEMENT IS SIGNED. THIS STATEMENT IS NOT A WARRANTY OF ANY KIND BY THE SELLER OR ANY AGENT REPRESENTING A PRINCIPAL IN THE TRANSACTION, AND SHOULD NOT BE ACCEPTED AS A SUBSTITUTE FOR ANY INSPECTION OR WARRANTY THAT THE PURCHASER MAY WISH TO OBTAIN. EVEN THOUGH THE INFORMATION PROVIDED IN THIS STATEMENT IS NOT A WARRANTY, THE PURCHASER MAY RELY ON THE INFORMATION CONTAINED HEREIN IN DECIDING WHETHER AND ON WHAT TERMS TO PURCHASE THE REAL PROPERTY. ANY AGENT REPRESENTING A PRINCIPAL IN THE TRANSACTION MAY PROVIDE A COPY OF THIS STATEMENT TO ANY OTHER PERSON IN CONNECTION WITH ANY ACTUAL OR POSSIBLE SALE OF THE REAL PROPERTY. THE INFORMATION PROVIDED IN THIS STATEMENT IS THE REPRESENTATION OF THE SELLER AND NOT THE REPRESENTATION OF ANY AGENT, AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE SELLER AND PURCHASER.

Seller please note: You are required to complete this Disclosure Statement in full. If any particular item or matter does not apply and there is no provision or space for so indicating, insert "N/A".

SELLER STATES THAT, TO THE BEST OF SELLER'S BELIEF AND KNOWLEDGE AS OF THE DATE THIS DISCLOSURE STATEMENT IS COMPLETED AND SIGNED BY THE SELLER, THE CONDITION OF THE REAL PROPERTY IS:

PART I - If there is more than one of any item in this Part, the statement made applies to each and all of such items unless otherwise noted in the Comments section, PART III of this Disclosure Statement. If an item in this Part is not on the property or will not be included in the sale, check only the "None/Not included" column for that item.

Section A. Appliances.	WORKING	NOT WORKING	DO NOT KNOW IF WORKING	NONE/NOT INCLUDED		WORKING	NOT WORKING	DO NOT KNOW IF WORKING	NONE/NOT INCLUDED
1. Built-in vacuum system and equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Microwave oven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Clothes dryer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. Oven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Clothes washer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11. Range	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Dishwasher	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12. Refrigerator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Disposal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13. Room air conditioner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Freezer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14. TV antenna/satellite dish	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Gas grill	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	15. Trash compactor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Range ventilation systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section B. Electrical Systems.	WORKING	NOT WORKING	DO NOT KNOW IF WORKING	NONE/NOT INCLUDED		WORKING	NOT WORKING	DO NOT KNOW IF WORKING	NONE/NOT INCLUDED
1. Electric service panel (capacity _____ amp, if known) _____ fuse _____ circuit breakers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Smoke/fire alarm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Ceiling fan(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Room vent fan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Garage door opener/remote controller(s) (number of controllers, if included _____)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. 220 volt service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Telephone wiring and jacks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. Security system _____ owned _____ leased _____ central station monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Cable TV wiring and jacks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Intercom or sound system wiring and built-in speakers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12. Have you experienced any problems with the electrical system or its components? _____ no _____ yes If yes, explain the condition in the Comments section, PART III of this Disclosure Statement.				

Section C. Heating and Cooling Systems.	WORKING	NOT WORKING	DO NOT KNOW IF WORKING	NONE/NOT INCLUDED		WORKING	NOT WORKING	DO NOT KNOW IF WORKING	NONE/NOT INCLUDED
1. Air purifier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Gas log	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Attic fan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Gas starter (fireplace)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Whole house fan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Heat pump	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Central air conditioning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. Humidifier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Fireplace/fireplace insert	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11. Propane tank (_____ rent _____ own)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Heating system (_____ gas _____ electric _____ other, specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12. Woodburning stove	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					13. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section D. Water Systems.	WORKING	NOT WORKING	DO NOT KNOW IF WORKING	NONE/NOT INCLUDED		WORKING	NOT WORKING	DO NOT KNOW IF WORKING	NONE/NOT INCLUDED
1. Hot tub/hotpool	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Water heater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Plumbing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Water purifier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Swimming pool	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Water softener (_____ rent _____ own)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Underground sprinkler _____ backflow preventer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Well system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					9. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section E. Sewer Systems.	WORKING	NOT WORKING	DO NOT KNOW IF WORKING	NONE/NOT INCLUDED		WORKING	NOT WORKING	DO NOT KNOW IF WORKING	NONE/NOT INCLUDED
1. Plumbing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Septic system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Sump pump (discharges to _____)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					5. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PART II - In this part, in Sections A, B, and C, if the answer to any item is "Yes", explain the condition in the Comments section, PART III of the Disclosure Statement.
Section A. Structural Conditions. If there is more than one of any item listed in this Section, the statement made applies to each and all of such items unless otherwise noted in the Comments section, PART III of this Disclosure Statement.

	YES	NO	DO NOT KNOW		YES	NO	DO NOT KNOW
1. Age of roof (if known) _____ years	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Is there presently damage to the chimney?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Does the roof leak?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Are there any windows which presently leak, or do any insulated windows have broken seals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Has the roof leaked?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. Have you experienced any moving or settling of the following:			
4. Is there presently damage to the roof?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	foundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Has there been leakage/seepage in the basement or crawl space?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	floor?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Has there been any damage to the real property or any of the structures thereon due to the following occurrences including, but not limited to, wind, hail, fire, flood, wood-destroying insects, or rodents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	wall?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Are there any structural problems with the structures on the real property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	siding/skirt?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				patio?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				driveway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				retaining wall?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section B. Environmental Conditions. Have any of the following substances, materials, or products been on the real property? If tests have been conducted for any of the following, provide a copy of all test results, if available.

	YES	NO	DO NOT KNOW		YES	NO	DO NOT KNOW
1. Asbestos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Underground fuel, chemical or other type of storage tank	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Contaminated soil or water (including drinking water)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Have any other hazardous substances, materials, or products identified by the Environmental Protection Agency or its authorized Nebraska designee been on the real property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Landfill or buried materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
4. Lead-based paint	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
5. Radon gas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
6. Toxic materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Section C. Title Conditions. Do any of the following conditions exist with regard to the real property?

	YES	NO	DO NOT KNOW		YES	NO	DO NOT KNOW
1. Any features, such as walls, fences, and driveways, which are shared?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Any lawsuits regarding this property during the ownership of the seller?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Any easements, other than normal utility easements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. Any notices from any governmental or quasi-governmental agency affecting the real property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Any encroachments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11. Any planned road or street expansions, improvements or widenings adjacent to the real property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Any zoning violations, non-conforming uses, or violations of "setback" requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12. Any unpaid bills or claims of others for labor and/or materials furnished to or for the real property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Any in-line disputes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13. Any deed restrictions or other restrictions of record affecting the real property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Have you been notified, or are you aware, of any work planned or to be performed by a utility or municipality close to the real property including but not limited to sidewalks, streets, sewers, water, power, or gas lines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14. Any unsatisfied judgments against Seller?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Any condominium, homeowners', or other type of association which has any authority over the real property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	15. Any dispute regarding a right of access to the real property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Does ownership of the property entitle the owner to use any "common area" facilities such as pools, tennis courts, walkways, or other common use areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16. Any other title conditions which might affect the real property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section D. Other Conditions.

	YES	NO	DO NOT KNOW		YES	NO	DO NOT KNOW
1. Are the dwelling and the improvements connected to a public water system? Is the system operational?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Is trash removal service provided to the real property? If so, the trash service is public, private.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Are the dwelling and the improvements connected to a public sewer system? Is the system operational?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Have the structures been mitigated for radon? If yes, when?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Are the dwelling and the improvements connected to a private or community (non-public) water system? Is the system operational? Year last tested _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Is the property connected to a natural gas system?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Are the dwelling and the improvements connected to a private or community (non-public) sewer system? Is the system operational?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. Has a pet been domiciled in the dwelling? type(s) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Are the dwelling and the improvements connected to a septic system? Is the system operational?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If the answer to any of the following items is "Yes", explain in the Comment section, PART III of this Disclosure Statement.	YES	NO	DO NOT KNOW
6. Is the real property in a: flood plain? floodway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11. Are any trees or shrubs on the real property diseased or dead? Are any trees or shrubs scheduled to be removed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				12. Are there any flooding, drainage, or grading problems in connection with the real property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				13. Have you made any insurance or manufacturer claims with regard to the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				14. Are you aware of any problem to the exterior wallcovering of the structure including, but not limited to, siding, synthetic stucco, masonry, or other materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section E. Cleaning/Servicing Conditions. Have you ever performed or had performed the following? State the most recent year:

	YEAR	YES	NO	DO NOT KNOW	NONE/NOT INCLUDED		YEAR	YES	NO	DO NOT KNOW	NONE/NOT INCLUDED
1. Servicing of air conditioner	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Treatment for wood-destroying insects or rodents	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Cleaning of fireplace, including chimney	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Tested well water	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Servicing of furnace	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Serviced/treated well water	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Servicing of septic system	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						
5. Cleaning of woodburning stove, including chimney	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						

PART III - Comments. Please reference comments on items responded to above by PART I or II, Section letter and item number. Use additional pages if necessary.

If checked here _____, PART III is continued on a separate page(s).

SELLER'S CERTIFICATION

Seller hereby certifies that this Disclosure Statement, which consists of _____ pages, has been completed by Seller; that Seller has completed this Disclosure Statement to the best of Seller's belief and knowledge as of the date hereof, which is the date this Disclosure Statement is completed and signed by Seller.

Seller: _____ Date: _____

Seller: _____ Date: _____

ACKNOWLEDGMENT OF RECEIPT OF DISCLOSURE STATEMENT, UNDERSTANDING AND CERTIFICATION

I/We: acknowledge receipt of a photocopy of the above Seller Property Condition Disclosure Statement; understand that such Disclosure Statement is not a warranty of any kind by the Seller or any agent representing any principal in the transaction; understand that such Disclosure Statement should not be accepted as a substitute for any inspection or written report that I/we may wish to obtain; understand the information provided in this Disclosure Statement is the representation of the Seller and not the representation of any agent, and is not intended to be part of any contract between the Seller and Purchaser; and certify that such Disclosure Statement was delivered to me/us or my/our agent on or before the effective date of any contract entered into by me/us relating to the real property described in such Disclosure Statement.

Purchaser: _____ Receipt Date: _____

Purchaser: _____ Receipt Date: _____

Effective January 1, 2003.



RESIDENTIAL SELLER'S PROPERTY DISCLOSURE STATEMENT (SPDS) (TO BE COMPLETED BY SELLER)



THE PRINTED PORTION OF THIS FORM HAS BEEN APPROVED BY THE ARIZONA ASSOCIATION OF REALTORS. THIS IS NOT INTENDED TO BE A BINDING CONTRACT.

MESSAGE TO THE SELLER:

Sellers are obligated by law to disclose all known material (important) facts about the Property to the Buyer. The SPDS is designed to assist you in making these disclosures. If you know something important about the Property that is not addressed on the SPDS, add that information to the form. Prospective Buyers may rely on the information you provide.

INSTRUCTIONS: (1) Complete this form yourself. (2) Answer all questions truthfully and as fully as possible. (3) Attach all available supporting documentation. (4) Use explanation lines as necessary. (5) If you do not have the personal knowledge to answer a question, use the explanation lines to explain. By signing below you acknowledge that the failure to disclose known material information about the Property may result in liability.

MESSAGE TO THE BUYER:

Although Sellers are obligated to disclose all known material (important) facts about the Property, there are likely facts about the Property that the Sellers do not know. Therefore, it is important that you take an active role in obtaining information about the Property.

INSTRUCTIONS: (1) Review this form and any attachments carefully. (2) Verify all important information. (3) Ask about any incomplete or inadequate responses. (4) Inquire about any concerns not addressed on the SPDS. (5) Review all other applicable documents, such as CC&R's, association bylaws, rules, and the title report or commitment. (6) Obtain professional inspections of the Property. (7) Investigate the surrounding area.

THE FOLLOWING ARE REPRESENTATIONS OF THE SELLER(S) AND ARE NOT VERIFIED BY THE BROKER(S) OR AGENT(S).

OWNERSHIP AND PROPERTY

- 1. As used herein, "Property" shall mean the real property and all fixtures and improvements thereon and appurtenances incidental thereto, plus fixtures and personal property described in the Contract.
- 2. to, plus fixtures and personal property described in the Contract.
- 3. **PROPERTY ADDRESS:** _____ (STREET ADDRESS) _____ (CITY) _____ (STATE) _____ (ZIP)
- 4. Is the Property located in an unincorporated area of the county? Yes No **If yes, and five or fewer parcels of land other than subdivided**
- 5. **land are being transferred, the Seller must furnish the Buyer with a written Affidavit of Disclosure in the form required by law.**
- 6. **LEGAL OWNER(S) OF PROPERTY:** _____ Date Purchased: _____
- 7. Is the legal owner(s) of the Property a foreign person or a non-resident alien pursuant to the Foreign Investment in Real Property
- 8. Tax Act (FIRPTA)? Yes No **If yes, consult a tax advisor; mandatory withholding may apply.**
- 9. Is the property located in a community defined by the fair housing laws as housing for older persons? Yes No
- 10. Explain: _____
- 11. Approximate year built: _____. **If Property was built prior to 1978, Seller must furnish the Buyer with a lead-based paint disclosure form.**
- 12. The Property is currently: Owner-occupied Leased Estate Foreclosure Vacant **If vacant, how long?** _____
- 13. If a rental property, how long? _____ Expiration date of current lease: _____ (Attach a copy of the lease if available.)
- 14. If any refundable deposits or prepaid rents are being held, by whom and how much? Explain: _____
- 15. _____

- | YES | NO | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 16. Have you entered into any agreement to transfer your interest in the Property in any way, including rental renewals or options to purchase? Explain: _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 17. Are you aware if there are any association(s) governing this Property? |
| | | 18. If yes, provide contact(s) information: Name: _____ Phone #: _____ |
| | | 19. If yes, are there any fees? How much? \$ _____ How often? _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 20. Are you aware of any proposed or existing association assessment(s)? Explain: _____ |
| | | 21. _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 22. Are you aware of any pending or anticipated disputes or litigation regarding the Property or the association(s)? |
| | | 23. Explain: _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 24. Are you aware of any of the following recorded against the Property? (Check all that apply): |
| | | 25. <input type="checkbox"/> Judgment liens <input type="checkbox"/> Tax liens <input type="checkbox"/> Other non-consensual liens |
| | | 26. Explain: _____ |
| | | 27. _____ |

Initials: _____
BUYER BUYER

- YES NO**
28. Are you aware of any assessments affecting this Property? (Check all that apply):
 Paving Sewer Water Electric Other _____
29. Explain: _____
30. Are you aware of any title issues affecting this Property? (Check all that apply):
 Recorded easements Use restrictions Lot line disputes Encroachments
 Unrecorded easements Use permits Other _____
31. Explain: _____
32. Are you aware of any public or private use paths or roadways on or across this Property?
 33. Explain: _____
34. Are you aware of any problems with legal or physical access to the Property? Explain: _____
35. The road/street access to the Property is maintained by the County City Homeowners' Association Privately
36. If privately maintained, is there a recorded road maintenance agreement? Explain: _____
37. Are you aware of any violation(s) of any of the following? (Check all that apply):
 Zoning Building Codes Utility Service Sanitary health regulations
 Covenants, Conditions, Restrictions (CC&R's) Other _____ (Attach a copy of notice(s) of violation if available.)
38. Explain: _____
39. _____
40. Are you aware of any homeowner's insurance claims having been filed against the Property?
 41. Explain: _____
42. _____
43. _____
44. _____
45. _____
46. _____

BUILDING AND SAFETY INFORMATION

- YES NO**
- STRUCTURAL:**
47. Are you aware of any past or present roof leaks? Explain: _____
48. Are you aware of any other past or present roof problems? Explain: _____
49. Are you aware of any roof repairs? Explain: _____
50. _____
51. Is there a roof warranty? (Attach a copy of warranty if available.)
52. If yes, is the roof warranty transferable? Cost to transfer _____
53. **NOTICE TO BUYER: CONTACT A PROFESSIONAL TO VERIFY THE CONDITION OF THE ROOF.**
54. Are you aware of any interior wall/ceiling/door/window/floor problems? Explain: _____
55. _____
56. Are you aware of any cracks or settling involving the foundation, exterior walls or slab? Explain: _____
57. _____
58. Are you aware of any chimney or fireplace problems, if applicable? Explain: _____
59. _____
60. Are you aware of any damage to any structure on the Property by any of the following? (Check all that apply):
 Flood Fire Wind Expansive soil(s) Water Hail Other _____
61. Explain: _____
62. _____
63. _____
64. _____
65. _____

WOOD INFESTATION

66. Are you aware of any of the following:
67. Past presence of termites or other wood destroying organisms on the Property?
68. Current presence of termites or other wood destroying organisms on the Property?
69. Past or present damage to the Property by termites or other wood destroying organisms?
70. Explain: _____
71. _____

Initials: _____
BUYER BUYER

YES NO

- 72. Are you aware of past or present treatment of the Property for termites or other wood destroying organisms?
- 73. If yes, date last treatment was performed: _____
- 74. Name of treatment provider: _____
- 75. Is there a treatment warranty? (Attach a copy of warranty if available.)
- 76. If yes, is the treatment warranty transferrable?
- 77. **NOTICE TO BUYER: CONTACT STATE OF ARIZONA STRUCTURAL PEST CONTROL COMMISSION**
- 78. **FOR PAST TERMITE REPORTS OR TREATMENT HISTORY.**

HEATING & COOLING:

- 79. Heating: Type(s) _____
- 80. Cooling: Type(s) _____
- 81. Are you aware of any past or present problems with the heating or cooling system(s)?
- 82. Explain: _____

PLUMBING:

- 84. Are you aware of the type of water pipes, such as galvanized, copper, PVC, CPVC or polybutylene?
- 85. If yes, identify: _____
- 86. Are you aware of any past or present plumbing problems? Explain: _____
- 87. _____
- 88. _____
- 89. Are you aware of any water pressure problems? Explain: _____
- 90. Type of water heater(s): Gas Electric Solar Approx. age(s): _____
- 91. Are you aware of any past or present water heater problems? Explain: _____
- 92. _____
- 93. Is there a landscape watering system? If yes, type: automatic timer manual both
- 94. If yes, are you aware of any past or present problems with the landscape watering system?
- 95. Explain: _____
- 96. Are there any water treatment systems? (Check all that apply):
- 97. water filtration reverse osmosis water softener Other _____
- 98. Is water treatment system(s) owned leased (Attach a copy of lease if available.)
- 99. Are you aware of any past or present problems with the water treatment system(s)?
- 100. Explain: _____

SWIMMING POOL/SPA/HOT TUB/SAUNA/WATER FEATURE:

- 101. Does the Property contain any of the following? (Check all that apply):
- 102. Swimming pool Spa Hot tub Sauna Water feature
- 103. If yes, are either of the following heated? Swimming pool Spa If yes, type of heat: _____
- 104. Are you aware of any past or present problems relating to the swimming pool, spa, hot tub, sauna or water feature?
- 105. Explain: _____
- 106. _____

ELECTRICAL AND OTHER RELATED SYSTEMS:

- 107. Are you aware of any past or present problems with the electrical system? Explain: _____
- 108. _____
- 109. _____
- 110. Is there a security system? If yes, is it (Check all that apply):
- 111. Leased (Attach copy of lease if available) Owned Monitored Other _____
- 112. Are you aware of any past or present problems with the security system? Explain: _____
- 113. _____
- 114. Does the Property contain any of the following systems or detectors?(Check all that apply):
- 115. Smoke/fire detection Fire suppression (sprinklers) Carbon monoxide detector
- 116. If yes, are you aware of any past or present problems with the above systems? Explain: _____
- 117. _____

Initials: _____ / _____
 BUYER BUYER

YES NO

MISCELLANEOUS:

- 118.
- 119. Are you aware of or have you observed any of the following on the Property? (Check all that apply):
- 120. Scorpions Rabid animals Bee swarms Rodents Owls Reptiles Other: _____
- 121. Explain: _____
- 122. How often is the Property serviced or treated for pests, reptiles, insects or animals? _____
- 123. Name of service provider: _____ Date of last service: _____
- 124. Are you aware of any work done on the Property, such as building, plumbing, electrical or other improvements?
- 125. (If no, skip to line 133.)
- 126. Explain: _____
- 127. Are you aware of any rooms added to the Property or converted to bedrooms?
- 128. Were permits for the work required? Explain: _____
- 129. If yes, were permits for the work obtained? Explain: _____
- 130. Was the work performed by a person licensed to perform the work? Explain: _____
- 131. Was approval for the work required by any association governing the property? Explain: _____
- 132. If yes, was approval granted by the association? Explain: _____
- 133. Was the work completed? Explain: _____
- 134. Are there any security bars or other obstructions to door or window openings? Explain: _____
- 135. Are you aware of any past or present problems with any built-in appliances? Explain: _____
- 136. _____
- 137. Are there any leased propane tanks, equipment or other systems on the Property? Explain: _____
- 138. _____

UTILITIES

139. DOES THE PROPERTY CURRENTLY RECEIVE THE FOLLOWING SERVICES? PROVIDER
- YES NO
- 140. Electricity: _____
 - 141. Fuel: Natural gas Propane Oil _____
 - 142. Cable: _____
 - 143. Telephone: _____
 - 144. Garbage Collection: _____
 - 145. Fire: _____
 - 146. Irrigation: _____
 - 147. Water Source: Public Private water co. Private well Shared well Hauled water
 - 148. If water source is a private or shared well, complete and attach DOMESTIC WATER WELL/WATER USE ADDENDUM.
 - 149. If source is public, a private water company, or hauled water, Provider is: _____
 - 150. Are you aware of any past or present drinking water problems? Explain: _____
 - 151. _____
 - 152. Are there any alternate power systems serving the Property? If yes, indicate type (Check all that apply):
 - 153. Solar Wind Generator Other _____
 - 154. If yes, are you aware of any past or present problems with the alternate power system(s)? Explain: _____
 - 155. _____

ENVIRONMENTAL INFORMATION

- YES NO
- 156. Are you aware of any past or present issues or problems with any of the following on the Property? (Check all that apply):
 - 157. Soil settlement/expansion Drainage/grade Erosion Dampness/moisture Other
 - 158. Explain: _____

Initials: _____ / _____
 BUYER BUYER

- YES NO**
159. Are you aware of any past or present issues or problems in close proximity to the Property related to any of the following? (Check all that apply):
160. Soil settlement/expansion Drainage/grade Erosion Other _____
161. Explain: _____
162. Are you aware if the Property is subject to any present or proposed effects of any of the following? (Check all that apply):
163. Airport noise Traffic noise Rail line noise Neighborhood noise Landfill Toxic waste disposal
164. Odors Nuisances Sand/gravel operations Other _____
165. Explain: _____
166. Are you aware if the Property is located in the vicinity of an airport (military, public, or private)?
167. Explain: _____
168. Are you aware of the presence of any of the following on the Property, past or present? (Check all that apply):
169. Asbestos Radon gas Lead-based paint Pesticides Underground storage tanks Fuel/chemical storage
170. Explain: _____
171. Are you aware if the Property is located within any of the following? (Check all that apply):
172. Superfund/ WQARF/ CERCLA Wetlands area
173. Are you aware of any open mine shafts/tunnels or abandoned wells on the Property?
174. If yes, describe location: _____
175. Are you aware if any portion of the Property is in a flood plain/way? Explain: _____
176. _____
177. Are you aware of any portion of the Property ever having been flooded? Explain: _____
178. _____
179. Are you aware of any water damage or water leaks of any kind on the Property? Explain: _____
180. _____
181. Are you aware of any past or present mold growth on the Property? If yes, explain: _____
182. _____
183. _____

SAMPLE

SEWER/WASTEWATER TREATMENT

- YES NO**
184. Is the entire Property connected to a sewer? Explain: _____
185. If yes, has a professional verified the sewer connection? If yes, how and when: _____
186. **NOTICE TO BUYER: CONTACT A PROFESSIONAL TO CONDUCT A SEWER VERIFICATION TEST.**
187. Type of sewer: Public Private Planned and approved sewer system, but not connected
188. Name of Provider _____
189. Are you aware of any past or present problems with the sewer? Explain: _____
190. Is the Property served by an On-Site Wastewater Treatment Facility? (If no, skip to line 202.)
191. If yes, the Facility is: Conventional septic system Alternative system; type: _____
192. If the Facility is an alternative system, is it currently being serviced under a maintenance contract?
193. If yes, name of contractor: _____ Phone #: _____
194. Approximate year Facility installed: ____ (Attach copy of permit if available.)
195. Are you aware of any repairs or alterations made to this Facility since original installation?
196. Explain: _____
197. _____
198. Approximate date of last Facility inspection and/or pumping of septic tank: _____
199. Are you aware of any past or present problems with the Facility? Explain: _____
200. _____
201. **NOTICE TO SELLER AND BUYER: THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**
202. **REQUIRES A PRE-TRANSFER INSPECTION OF ON-SITE WASTEWATER TREATMENT FACILITIES ON**
203. **RE-SALE PROPERTIES.**

Initials: _____ / _____
BUYER BUYER

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OTHER CONDITIONS AND FACTORS

- 204. What other material (important) information are you aware of concerning the Property that might affect the buyer's decision-making
- 205. process, the value of the Property, or its use? Explain: _____
- 206. _____
- 207. _____
- 208. _____
- 209. _____
- 210. _____
- 211. _____
- 212. _____

ADDITIONAL EXPLANATIONS

- 213. _____
- 214. _____
- 215. _____
- 216. _____
- 217. _____
- 218. _____
- 219. _____
- 220. _____
- 221. _____
- 222. _____
- 223. _____
- 224. _____
- 225. _____
- 226. _____
- 227. _____
- 228. _____

SAMPLE

229. **SELLER CERTIFICATION:** Seller certifies that the information contained herein is true and complete to the best of Seller's
 230. knowledge as of the date signed. Seller agrees that any changes in the information contained herein will be disclosed in writing by
 231. Seller to Buyer prior to Close of Escrow, including any information that may be revealed by subsequent inspections.

232. _____
 SELLER MO/DA/YR SELLER MO/DA/YR

233. **Reviewed and updated:** Initials: _____ / _____
 SELLER SELLER MO/DA/YR

234. **BUYER'S ACKNOWLEDGEMENT:** Buyer acknowledges that the information contained herein is based only on the Seller's actual
 235. knowledge and is not a warranty of any kind. Buyer acknowledges Buyer's obligation to investigate any material (important) facts in
 236. regard to the Property. Buyer is encouraged to obtain Property inspections by professional independent third parties and to
 237. consider obtaining a home warranty protection plan.

238. **NOTICE:** Buyer acknowledges that by law, Sellers, Lessors and Brokers are not obligated to disclose that the Property is or has been:
 239. (1) the site of a natural death, suicide, homicide, or any other crime classified as a felony; (2) owned or occupied by a person exposed
 240. to HIV, diagnosed as having AIDS or any other disease not known to be transmitted through common occupancy of real estate; or (3)
 241. located in the vicinity of a sex offender.

242. **By signing below, Buyer acknowledges receipt only of this SPDS. If Buyer reasonably disapproves of any items provided**
 243. **herein, Buyer shall deliver to Seller written notice of the items disapproved as provided in the Contract.**

244. _____
 BUYER MO/DA/YR BUYER MO/DA/YR

MODEL SUBDIVISION REGULATIONS AMENDMENT

Section 1.0	Purpose
Section 2.0	Definitions
Section 3.0	Area of Applicability
Section 4.0	Plat Notice
Section 5.0	Avigation Easement
Section 6.0	Fair Disclosure Agreement

SECTION 1.0 PURPOSE. This chapter is intended to protect the public health, safety and welfare by regulating development and land use within noise sensitive areas and airport hazard areas; to ensure compatibility between Lincoln Airport and surrounding land uses; and to protect the Airport from incompatible encroachment.

SECTION 2.0 AREA OF APPLICABILITY. For purposes of this chapter, the standards and requirements provided herein shall apply within the Airport Environs Noise District.

SECTION 3.0 PLAT NOTICE. A notice of potentially high aircraft noise levels shall be affixed to and recorded with the final plat (or for a minor subdivision, the deed) for properties in the Airport Environs Noise District. The notice shall be worded as follows:

"**NOISE WARNING** - All or part of this property is in an area potentially subject to aircraft noise levels high enough to annoy users of the property and interfere with its unrestricted use. Contact Lincoln Airport Manager for information regarding the most recently calculated levels of current and forecast aircraft noise levels on the property."

SECTION 4.0 FAIR DISCLOSURE AGREEMENT. For all subdivisions, a fair disclosure agreement shall be filed whereby the owner and his or her agents agree fully to disclose to prospective buyers of the property the potential airport noise impacts to which the property may be subject. This agreement shall be written and recorded as a covenant running with the land, binding all succeeding owners of the property within the subdivision.

NAPLES, FLORIDA
EXCERPTS FROM ZONING REGULATIONS

Sec. 102-1032. Purpose.

(a) The purpose of the airport overlay district (AOD) is to provide both airspace protection and land use compatibility in relation to the normal operation of public-use airports located within the City of Naples. This division shall attempt to promote:

- (1) The maximum safety of residents and property within the areas surrounding the airport; and
- (2) The maximum safety of aircraft arriving at and departing from the Naples Municipal Airport and all public-use heliports; and
- (3) The full utility of the public-use airport; and
- (4) Compatible development standards for land uses within the prescribed AOD associated with the normal operation of the airport;
- (5) Building/structure height standards for use within the AOD and other zones prescribed in the Federal Aviation Regulations through the use of variance procedures in cases of justifiable hardship; and
- (6) Proper enforcement of these regulations in compliance with state and federal laws in a manner which provides the greatest degree of safety, comfort, and wellbeing to both the users of the airport facility and the property owners within the vicinity of the airport;

(b) The regulations set forth in this division are adopted pursuant to the authority conferred by F.S. § 333.03. It is hereby determined that an airport obstruction has the potential for being hazardous to aircraft operations as well as to persons and property on the ground in the vicinity of the obstruction. An obstruction may affect land use in its vicinity and may reduce the size of areas available for the taking-off, maneuvering and landing of aircraft, thus tending to impair or destroy the utility of the airport and the public investment therein. It is hereby found that excessive aircraft noise may be an annoyance or may be objectionable to residents in the city. Accordingly, it is declared that:

- (1) The creating or establishment of an airport hazard which reduces the size of the areas available for such operations, or which inhibits the safe and efficient use of airspace or the airport, creates a public nuisance and injury to the city and no variance by the city shall be granted to authorize any such obstruction; and
- (2) It is in the interest of the public health, safety and welfare that the creation of airport hazards and incompatible use of land within the airport overlay district or the airport noise zones be prevented; and
- (3) The creating or establishment of anything affecting the safety of aircraft or pilots or passengers, or which inhibits the safe operations of aircraft operating to or from the airport shall be prevented; and
- (4) The prevention of these hazards and incompatible land uses is desirable.

(c) It is further declared that the prevention of the creation of airport hazards and incompatible land uses, and the elimination, removal, alteration, mitigation or marking and lighting of existing airport obstructions are public purposes for which the political subdivision may raise and expend public funds and acquire land or interests in land.

(Ord. No. 02-9648, § 2, 6-5-02)

Sec. 102-1033. Definitions.

The following definitions shall apply for purposes of this division.

Airport hazard means any structure, tree, or use of land which would exceed the federal obstruction standards as contained in 14 C.F.R. Part 77.21, 77.23, 77.25, 77.28 and 77.29 and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering, or landing or is otherwise hazardous to aircraft taking off, maneuvering, or landing and for which no person has previously obtained a permit or variance pursuant to F.S. § 333.025, or F.S. § 333.07.

Airport hazard area means any area of land or water upon which an airport hazard or obstruction might be established if not prevented as provided in this division.

Airport land use compatibility zoning means airport zoning regulations restricting the use of land adjacent to or in the immediate vicinity of an airport or along the extended path of a runway in the manner enumerated in F.S. § 333.03(2), to activities and purposes compatible with the continuation of normal airport operations including landing and takeoff of aircraft in order to promote public health, safety and general welfare.

Airport noise impact zones means areas within specific airport generated noise impact Ldn contour lines in which land use should be limited to activities that are not noise sensitive, or where appropriate noise level reduction measures for construction of certain buildings and aviation easements and disclosure statements may be required for land uses which may be otherwise unacceptable.

Building official means the administrative officer or person responsible for administering and enforcing the requirements of the City of Naples Building Code and portions this airport overlay district as specified.

Ldn means a day/night 24-hour average sound level measurement, expressed in decibels, obtained after an addition of ten decibels to sound levels occurring during the night time period from 10:00 p.m. to 7:00 a.m.

Planning director means the administrative officer or person responsible for administering and enforcing portions of the requirements of this airport overlay district as specified and serves as zoning administrator.

Runway means a defined area on an airport prepared for landing and take-off of aircraft along its length.

Sound level means the quantity in decibels measured by an instrument satisfying the requirements of American Standard Specification for Type 1 Sound Level Meters. The sound level shall be the frequency weighted sound pressure level obtained with the frequency weighting "A" and the standardized dynamic characteristic "SLOW."